

REMARKS

In the Office Action mailed November 3, 2005, the Examiner rejected claims 1-12. By way of the foregoing amendments and the markings to show changes, Applicants have amended claim 12 and added new claims 21-28. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

I. Claim Rejections under 35 USC 102

The Office Action rejected claims 1-12 as being anticipated by U.S. Patent 4,379,802 to Weaver et al. Applicants traverse the rejections of claims 1-11 with particularity below. Without acquiescing in any rejection of claim 12, Applicants have amended claim 12 and believe it is patentable.

Pursuant to MPEP 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 1

The Office Action asserts at page 2 that Weaver et al. disclose, "zone heating at least one portion of the primary extrusion to create a molten zone within the at least one portion, leaving surrounding portions of the primary extrusion in a solid state". The Office Action references Column 3, lines 52-64 and Column 11, lines 40-42 of Weaver et al. for support for its assertion. These sections of Weaver et al., however, do not support the assertion.

Column 3, lines 52-64 stamping of a sheet of polyester, "at a temperature below the melting point of the polyester but above the glass transition temperature." This is not a disclosure of zone heating at least one portion of a primary extrusion to create a molten zone within the at least one portion, leaving surrounding portions of the primary extrusion in a solid state.

Column 11, lines 40-42 are directed to heating a composite sheet to the “melting point of the highest melting polymeric component present”, which presumably would melt each of the polymeric components present. Again, this is not a disclosure of zone heating at least one portion of a primary extrusion to create a molten zone within the at least one portion, leaving surrounding portions of the primary extrusion in a solid state.

Applicants find no disclosure within Weaver et al. suggesting the heating of one portion of an extrusion while leaving surrounding portions in a solid state. Weaver et al., at best, appears to suggest the heating of an entire composite sheet followed by stamping the sheet. In view of the above, Applicants contend that the Office Action has not established a prima facie case of anticipation of claim 1 of the present application and request that the rejection of claim 1 be withdrawn.

Claim 4

The Office Action, at page 3, asserts that, “Weaver shows the process ... including ... heating, cooling, zone heating and forcing steps in an inline operation ...” at column 10, lines 15-16. However, column 10, lines 15-16 of Weaver et al. merely discuss the formation of laminate sheet in a press. There is no discussion in Weaver et al. of a in-line operation that includes the following: 1) heating a polymeric compound and forcing the heated compound through an orifice to form a heated extrusion; 2) cooling the heated extrusion to form a primary extrusion in a solid state; 3) zone heating at least one portion of the primary extrusion to create a molten zone within the at least one portion, leaving surrounding portions of the primary extrusion in a solid state; and 4) compressing the at least one portion between a pressing unit and a die cavity until the at least one portion takes the shape of the pressing unit and die cavity and forms a solid state section molded feature integral with the primary extrusion. On this basis, Applicants contend that the Office Action has failed to establish a prima facie case of anticipation against claim 4 of the present application and Applicants request withdrawal of the rejection of claim 4.

Claim 7

The Office Action asserts that, "Weaver shows the process ... including ... providing the die cavity to be comprised of a split die having a combined shape corresponding to the outer shape of a barbed projection to be section molded from the primary extrusion, providing the pressing unit to be comprised of an upper mandrel having a shape corresponding to the inner shape of the barbed projection, and raising the mandrel and separating the split die to release the polymeric component." The Office Action relies on column 10, lines 13-28 and column 11, lines 40-46 of Weaver et al. for this assertion. However, neither column 10, lines 13-28 nor column 11, lines 40-46 nor the rest of Weaver et al. teach such steps generally, and more particularly, Weaver et al. do not teach the specific upper mandrel recited and do not teach a split die, as described above, that is separated to release a polymeric component. On this basis, Applicants contend that the Office Action has failed to establish a prima facie case of anticipation against claim 7 of the present application and Applicants request withdrawal of the rejection of claim 7.

Claim 9

The Office Action asserts that the language of claim 9 is anticipated by Weaver et al. The Office Action points to Column 4, lines 27-40 as and the formation of "rib sections" as being anticipatory of simultaneously zone heating of plural portions of the length of the extrusion ... leaving the surrounding portions of the primary extrusion in a solid state. Neither column 4, lines 27-40 nor the rest of Weaver et al. suggest the simultaneous existence or formation of two or more molten zones of an extrusion with portions of the extrusion surrounding those molten zones being in a solid state. The formation of ribs discussed at column 4, lines 27-40 is accomplished through the stamping of an entire laminate sheet, not through the process described in claim 9. On this basis, Applicants contend that the Office Action has failed to establish a prima facie case of anticipation against claim 9 of the present application and Applicants request withdrawal of the rejection of claim 9.

Moreover, Applicant points out that it would likely be improper to present a final rejection of claims 1-11 and it depends on a grounds alternative to that already presented since applicants have not amended claim 1-11, in a manner, which would necessitate such alternative grounds. In particular, the MPEP reads:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee..." MPEP 706.07(a)

Thus, any new grounds of rejection, "that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee..." would be improper.

II. Double Patenting

The Office Action rejected claims 1-12 for obviousness type double patenting in view of application serial number 10/418784. Applicants submit herewith a terminal disclaimer to overcome these rejections.

III. New Claims

Applicants have added new claims 21-28 to address various aspects of the present application and believe the new claims are patentable over the references of record.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.



PETITION FOR EXTENSION OF TIME

Applicants respectfully request and petition an appropriate extension of time to respond to the outstanding Office Action, of at least one (3) months. Enclosed is a check in the amount of \$1020.00. For any deficiencies, please charge Deposit Account No. 50-1097 for any fee which may be due is hereby given.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: 2 May, 2006

Respectfully submitted,

Scott Chapple
Registration No. 46,287
DOBRUSIN & THENNISCH PC
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342
(248) 292-2920

05/04/2006 FFANAEIA 00000044 10804650

01 FC:1253

1020.00 OP

Customer No. 25215